

Exhibit 11

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:23CV00878-TDS-JEP

DEMOCRACY NORTH CAROLINA;
NORTH CAROLINA BLACK ALLIANCE;
LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA,

Plaintiffs,
v.

ALAN HIRSCH, in his official capacity as CHAIR OF THE STATE BOARD OF ELECTIONS; JEFF CARMON III, in his official capacity as SECRETARY OF THE STATE BOARD OF ELECTIONS; STACY EGGERS IV, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; SIOBHAN O'DUFFY MILLEN, in her official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, in her official capacity as EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS; NORTH CAROLINA STATE BOARD OF ELECTIONS,

Defendants.

DEPOSITION
OF

KEVIN M. QUINN, Ph.D.

On Wednesday, April 2, 2025, commencing at 10:05 a.m., the deposition of KEVIN M. QUINN, Ph.D., was taken on behalf of Defendants via Zoom Videoconference, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, before Taura J. Vulcano, RPR, CRR for the State of Georgia.

1 primary report was within the scope of what I was
2 asked to do.

3 Q. Okay. Then were you also asked to respond
4 to Dr. White's opening report?

5 A. Yes, that's correct.

6 Q. So before we move into the meat and bones
7 of your report, I want to walk through some terms
8 and make sure that we have a shared understanding of
9 the language that we're going to use. So just bear
10 with me for a few more minutes, and I promise we'll
11 get where we're going.

12 So, Dr. Quinn, if I use the term SDR
13 throughout this deposition, will you understand that
14 I mean same-day registration?

15 A. Yes.

16 Q. Would you agree with me, Dr. Quinn, in
17 North Carolina a voter can only use SDR during the
18 early voting period?

19 A. Yes, that's correct.

20 Q. Would you agree with me that, in general,
21 voter registration needs to be completed 25 days
22 before the election in North Carolina?

23 A. Can you say more what you mean by "in
24 general"?

25 Q. Sure. So why don't we look at paragraph

1 46 of your report on page 14. The last sentence
2 there reads, "Generally speaking, a completed
3 registration form must be submitted at least 25 days
4 prior to election day for it to be valid for that
5 election."

6 Do you see that?

7 A. I do.

8 Q. Okay. So do you agree with me that, in
9 general, a completed registration form; i.e., the
10 voter registration, needs to be completed at least
11 25 days before the election to be able to vote in
12 that election in North Carolina?

13 A. Generally speaking, yes. The exception
14 would be same-day registration.

15 Q. And are you aware that in North Carolina
16 voter registration can be done by mail, in person,
17 online, and at other state and federal offices?

18 A. Yes.

19 Q. Do you agree with me that when someone
20 registers using the general voter registration
21 mechanism 25 days before the election, that those
22 individuals are verified via mail verification?

23 A. That's my understanding, yes.

24 Q. And do you understand that those
25 individuals get two mail verification cards?

1 A. That's my understanding, yes.

2 Q. And do you understand that those cards are
3 sent via non-forwardable U.S. mail?

4 A. Yes, that's correct.

5 Q. Would you agree with me that in 2024,
6 North Carolina had 17 days of early voting?

7 A. I believe that is the correct number given
8 the statute.

9 Q. Okay. And as we talked about earlier,
10 North Carolinians can register to vote and vote same
11 day via SDR during this early voting period; is that
12 right?

13 A. Yes, that's correct.

14 Q. Okay. Do you have an understanding of
15 generally what months early voting occurs here in
16 North Carolina?

17 A. So typically it would be approximately, as
18 we just talked about, 17 days from the election
19 approximately depending on exactly how the elections
20 fall. So that would be -- for general election, it
21 would be end of October/beginning of November. For
22 a primary to be -- depending exactly when the
23 primary is, first part of March.

24 Q. Are you aware North Carolinians can also
25 vote by mail?

1 A. I believe that's correct, yes.

2 Q. Did your analysis consider mail-in voting
3 to be a form of early voting?

4 A. I would need to check this to be sure, but
5 I believe that mail voting would show up as early
6 voting in the analysis.

7 Q. Is that because of the North Carolina
8 State Board of Elections classifies mail-in voting
9 as early voting?

10 A. I believe that's correct.

11 Q. Okay. Dr. Quinn, do you know what the
12 NVRA is?

13 A. I believe you're likely referring to the
14 National Voter Registration Act.

15 Q. Exactly. Have you ever heard of a process
16 called list maintenance that occurring pursuant to
17 the NVRA?

18 A. Yes.

19 Q. What is your understanding of how list
20 maintenance is conducted in North Carolina?

21 A. It's been some time since I've looked at
22 the exact cutoffs. But my recollection is that when
23 a voter goes to the inactive status, they have a
24 certain amount of time at the inactive status. And
25 if they do that transition to an active status,

1 A. Again, I'm not an expert in fair lending
2 practices. I think that that's one question one
3 could certainly ask. I also think, though, that one
4 question might also be is: Why are some types of
5 people more likely to seek out loans than others
6 after adjusting for background factors potential
7 possibly?

8 Q. But that other question that you're
9 raising why some groups of people are more likely to
10 apply for loans than others, is that essential to
11 conducting a disparate impact test?

12 MS. ABBOTT: Objection.

13 Go ahead.

14 A. So I'm not someone who has done much work
15 on disparate impact laws. So I don't want to state
16 what the legal requirements are. And I have not
17 been asked to opine upon that. To me, that seems
18 like a legal question rather than a data question or
19 a factual question.

20 Q. Okay. I think I've reached the end of my
21 term questions. But if I use a term that you don't
22 understand or you think we're using it differently
23 as we move through your report, will you please let
24 me know?

25 A. Yes, absolutely. Thank you for asking.

1 Q. So let's turn to page 5 of your report.
2 I'd like to discuss your summary of findings for a
3 few minutes.

4 A. This is page 5 of the original primary
5 report, the March 5th report?

6 Q. Yes, sir, Exhibit 1.

7 A. Okay.

8 Q. All right. So is it fair to say that you
9 concluded that in North Carolina early voting is
10 widely used?

11 A. That's what paragraph 16 states, yes.

12 Q. Okay. And you also concluded, Dr. Quinn,
13 the use of early voting is becoming more common over
14 time; is that right?

15 A. Yes, that's what paragraph 17 states.

16 Q. And you reported in paragraph 17 that for
17 the North Carolina November 2024 general election,
18 4.2 million people cast early votes; is that right?

19 A. Yes. That's what's stated in paragraph
20 17.

21 Q. Okay. And then in 2024 for the November
22 general election, 130,000 North Carolinians utilized
23 SDR; is that right?

24 A. Yes, that's what paragraph 18 states.

25 Q. All right. And would you agree with me

1 that 130,000 out of 4.2 million is approximately
2 3 percent?

3 A. Approximately.

4 Q. So approximately 3 percent of North
5 Carolina's early voting was done via SDR; is that
6 right?

7 A. Yes.

8 Q. Do you know approximately how many people
9 voted in total in North Carolina in the November
10 2024 general election?

11 A. Apologies. Someone is at the door. I
12 won't answer that.

13 Q. We could pause if you need to answer it.

14 A. No. It's -- I'm nearly certain it's
15 nothing important, so they can wait.

16 Could you repeat the question, please? I
17 lost my place with the doorbell ringing.

18 Q. That's okay. Do you know approximately
19 how many people voted in North Carolina in total in
20 the November 2024 general election?

21 A. I thought that was in my report somewhere,
22 but I'm not finding it. If you'd like to represent
23 to me what that number is, that's fine.

24 Q. Does approximately 5.7 million people
25 sound about right to you?

1 general, and I believe you said the percentage was
2 around 2.3 and you're seeing the percentage is 2.29.

3 Q. Okay. On page 3, can you give a brief
4 explanation what Table 5 shows?

5 A. Again, we're looking at cross-tabulating
6 elections by the age categories. And we're looking
7 at votes in a given election via same-day
8 registration as a percentage of the same-day
9 registration -- all same-day registration voters in
10 that election. It basically breaks down those who
11 same-day registered in a particular election, it
12 breaks them down into the proportions across the age
13 categories.

14 Q. What does Figure 9 on page 31 show?

15 A. So this provides essentially the same
16 information as in Table 5. It just does so
17 graphically.

18 Q. For the general elections only, right?

19 A. Yes. Figure 9 is general elections and
20 Figure 10 is the primary elections.

21 Q. Correct. Okay. Looking at paragraph 91
22 you indicate that 42,000 youth voters, so voters
23 under 26, registered and voted via same-day
24 registration in the November 2024 general election;
25 is that right?

1 A. That's what this states in paragraph 91,
2 yes.

3 Q. Okay. And this was approximately 7
4 percent of the votes cast by those younger than 26;
5 is that right?

6 A. Yes.

7 Q. Okay. Would you agree with me that 42,000
8 divided by 5.7 million, which is the approximate
9 total number of votes in the North Carolina election
10 for the November 2024 general, is .7 percent?

11 A. So you're dividing by the total number of
12 voters, not the votes cast by youth voters?

13 Q. Yes. So if we look at 42,000, which is
14 the number of youth voters registered and voted via
15 SDR, and you look at that as a proportion of the
16 total votes, 5.7 million, do you agree with me
17 that's approximately .7 percent?

18 A. That's correct. That's not what's being
19 calculated in the second sentence of paragraph 91,
20 though.

21 Q. I understand. I'm just getting the full
22 picture to make sure that -- you know, of what we're
23 looking at.

24 A. I just wanted to be clear, yeah.

25 Q. And then page [sic] 92 you reference an

1 Q. Great. Dr. Quinn, do you have an
2 understanding of what Appendix F to Dr. White's
3 opening report shows?

4 A. We could go back to his report and read
5 off what he reports that it shows. Essentially
6 what's happening here is that he is tabulating a
7 dichotomous age indicator, under 26, 26 and older,
8 on a dichotomous denial indicator. So whether the
9 registration attempt was denied or not. And he's
10 doing that for each election, but looking at that
11 across all counties.

12 So you can think of that sort of like for
13 one election, there are a series of two-by-two
14 tables for those dichotomous age indicators and
15 denial status, denied, not denied, one specific to
16 each county for that election. And I forget the
17 total number of counties he has. It's not a
18 hundred. I think it's more like 56 or something
19 because of data issues.

20 Q. Okay. So in summary, Appendix F is
21 reporting the denial rate analysis results at the
22 individual election level across all counties. Is
23 that a succinct way to put it?

24 A. That is a much more succinct way to put
25 it, yes.

1 Q. Oh, my God, I understood what you said. I
2 was like -- I'm like a student in statistics class.
3 I'm like, I don't know, if I try to put it back in
4 my own words, am I going to get it right?

5 Okay. So if we look at the first line of
6 this table, do you agree that this is the analysis
7 for the March 15, 2016 primary election?

8 A. Yes, the first row in the table.

9 Q. Okay. And the "227" that's represented in
10 that row for the 2016 primary, does this represent
11 the number of registrants age 18 to 25 who received
12 a second mailer?

13 A. It's -- I believe it's the number of
14 individuals that he classifies as SDR registrants in
15 the youth category, 18 to 25, who received a second
16 mailer.

17 Q. Okay.

18 A. She doesn't use the SDR indicator to be
19 sure that those are actual SDR registrants, but
20 there -- she's using a time window to make that
21 determination.

22 Q. Okay. Do you have any reason to dispute
23 the 227 number, sitting here today?

24 A. As a general matter, this isn't about that
25 specific number. But in my rebuttal report, I did

1 note that the use of a time window to identify SDR
2 voters runs into the problem that other people could
3 enter the registration pool in that early voting
4 window who may not actually be SDR voters.

5 Q. Okay. And we'll talk about that and
6 whether that could be correct in a little while.

7 But do you see that -- in two columns
8 over, do you see for the 2016 primary row, the
9 number of "Younger Group Denied" is listed as "17"?

10 A. I do.

11 Q. Okay. So 227 minus 17 is 210; is that
12 right?

13 A. Yep, that's correct.

14 Q. That would mean that there were 210 youth
15 registrants who were verified after receiving the
16 second mailer; is that right?

17 A. Yes.

18 Q. Okay.

19 A. At least not denied. But, presumably,
20 those are largely verified folks, yes.

21 Q. Okay. Great. Now, let's look down at the
22 November 2024 general election for ages 18 to 25
23 versus 26 and older. Do you see that there are 614
24 voters in the "Younger Group" pool?

25 A. Let's see. Okay. So this is about

1 halfway down, right?

2 Q. And if --

3 A. Because, yeah, after that the break is on
4 30 rather than 26. 614 voters in the "Younger" pool
5 in the November 5, 2024 election.

6 Q. Right. And then of those, two columns
7 over, 54 in the "Younger Group" were ultimately
8 denied. Do you see that?

9 A. Yep.

10 Q. Okay. So that means, if we do some simple
11 subtraction, that there were 560 youth that were
12 somehow verified or had their ballots accepted?

13 A. Yes, 614 minus 54 is 560.

14 Q. Perfect. And Senate Bill 747 went into
15 effect in 2024; is that right?

16 A. It was enacted in 2024, but the actual
17 implementation is different than the text in the
18 statute because of the Numbered Memo that came out
19 adding the notice-and-cure procedure.

20 Q. Right. I think -- sorry. I just want to
21 make sure we understand.

22 You understand that 747 was passed in
23 October of 2023, but then it went into effect along
24 with notice-and-cure process in -- for the 2024
25 elections, right?

1 A. That's correct. With the notice-and-cure
2 procedure, yes, that's right.

3 Q. Okay. And so if we look at -- if we
4 calculate this as a percentage, that would mean
5 approximately 8.8 percent of youth were denied
6 during the November 2024 election; is that right?

7 MS. ABBOTT: Objection.

8 Go ahead.

9 A. We're talking about the November 5, 2024
10 election and youth voters?

11 Q. Yeah. So 54 divided by 614, I think it's
12 roughly 8.8 percent?

13 A. Yes, approximately.

14 Q. Okay. So looking at the "Older Group"
15 pool for November 5, 2024, it looks like there are
16 742 people in that pool; is that right?

17 A. 742, yes, that's correct.

18 Q. Then two columns over, 62 that were
19 ultimately denied?

20 A. Yes.

21 MS. ABBOTT: Could I just jump in? I
22 think I'm seeing 748 for that "Younger Group"
23 pool. If somebody could just confirm?

24 MS. RIGGINS: I said 742 for the
25 "Older Group" pool. So that would be

1 MS. RIGGINS: Okay.

2 THE WITNESS: That sounds good.

3 Thank you.

4 (Recess from 2:41 p.m. to 3:06 p.m.)

5 Q. (By Ms. Riggins) Dr. Quinn, you directed a
6 rebuttal report to Dr. White's March 5, 2025 report;
7 is that right?

8 A. Yes.

9 Q. Okay. I would -- I believe you have a
10 printed copy in front of you, but I would like to
11 transmit your rebuttal report through the chat, and
12 we'll mark that as Exhibit 6.

13 (Exhibit 6 marked for identification.)

14 Q. (By Ms. Riggins) Do you have your rebuttal
15 report handy, Dr. Quinn?

16 A. Give me one second. I have the wrong --
17 okay. All set.

18 Q. Okay. Does your rebuttal report contain
19 all the concerns that you have with Dr. White's
20 original report?

21 A. I believe so, yes.

22 Q. Okay. Did you agree that in Dr. White's
23 analysis there is generally no statistical
24 significance adverse to younger registrants when
25 comparing the denial rates among those who were

1 given the second mailing?

2 MS. ABBOTT: Objection. Go ahead.

3 A. I think what I state in my report is that
4 I believe the evidence in Dr. White's report is
5 consistent with a world where dichotomized age 26
6 and older versus 18 to 25 and second mailer denial
7 status are independent or conditionally independent
8 given county election, et cetera.

9 Q. Did you find any errors in the mechanics
10 of Dr. White's calculations?

11 A. The statistical tests? As far as I can
12 tell, the tests were done correctly with the one
13 exception of it wasn't clear to me, as I noted, why
14 some observations were dropped for the
15 Mantel-Haenszel test. But the calculations the,
16 spot-checking the P values, they're correct.

17 Q. Okay. Do you have any objection to the
18 statistical tests that he used, which would be the
19 Mantel-Haenszel test that you just referenced and
20 the Fisher's Exact test?

21 A. Those are perfectly acceptable tests when
22 the question is about independence between two
23 binary variables by unconditional independence for
24 Fisher's Exact test or conditional independent given
25 some control variables for the Mantel-Haenszel test.

1 Q. Okay. And we looked at those for the 2024
2 election, is that right, as well?

3 A. We did, yes.

4 Q. Okay. And that is post 747; is that
5 right?

6 A. It's post 747 with the notice and cure
7 procedure tacked on. I don't think we've actually
8 seen data from what the pure form of SB 747 would
9 be.

10 Q. Right. It doesn't exist; is that right?

11 A. Right, yes.

12 Q. Okay. You mentioned something a minute
13 ago about the dropping off of P values, is that
14 right, as a criticism of Dr. White?

15 A. We were talking about P values, but I
16 don't know if we used the term "dropping off." If
17 there is a particular part of the transcript you'd
18 like to reference, I'd be happy to take a look.

19 Q. The dropping off of observations, I think
20 that's what you said.

21 A. Oh, I believe what you're referencing is
22 Dr. White, for both the Fisher's Exact test and
23 Mantel-Haenszel test, a number of observations are
24 removed as noncomparable. And I understand that
25 many implementations of the Mantel-Haenszel will do

1 reserve the right to modify if new information comes
2 available. I haven't heard anything today that I
3 think would cause me to change that, but I still
4 could conceivably want to revise things.

5 In terms of Dr. White's rebuttal of my
6 report, because we're not writing surrebuttals in
7 this case, I've not gone through it a fine-tooth
8 comb to find everything that I could potentially
9 criticize. So I don't want to say that there is
10 nothing else there I would eventually want to bring
11 up if I had the opportunity to write a surrebuttal.

12 As I sit here right now, I can't think of
13 anything. But I -- as I said earlier, the initial
14 selection of points I raised as potential
15 disagreements between Dr. White and myself are not
16 exhaustive, and there likely are other aspects that
17 I would want to spend some time on if I had the
18 opportunity to actually write a proper surrebuttal.

19 Q. Okay. With the one exception for the
20 high-density address analysis that we looked at
21 related to the sample of the college addresses, am I
22 correct in understanding that you chose not to
23 perform any statistical test or make any statistical
24 inferences about your conclusions; is that right?

25 A. Other than that one example that you

1 mentioned where I sampled addresses from the
2 high-density pool, all the other data I'm looking at
3 are population data. And I was asked to analyze
4 historic patterns of voting. I wasn't asked to
5 forecast what's going to happen in the future or
6 anything like that.

7 Given that I'm looking at past voting
8 registration behavior, I have population data.
9 There is nothing random or uncertain about that.
10 There's no need for hypothesis tests, estimation, et
11 cetera.

12 MS. RIGGINS: Okay. I think I'm
13 about done. I have one correction I need to
14 make on the record. Kacie, who keeps better
15 notes than I am, pointed out to me that when I
16 tried to mark Dr. White's rebuttal report as
17 Exhibit 7, I already marked it as Exhibit 4.
18 Is there any objection to not marking it a
19 second time?

20 MS. ABBOTT: No objection.

21 MS. RIGGINS: With that, can we take
22 a break. Maybe come back at 4:50. I may have
23 a couple more follow-up questions, but I think
24 I'm done. Like I said, Kacie takes better
25 notes than me, so I might have missed